

09/913,613
Vortkort et al.
GAU: 1713 (W. Cheung)

Remarks

Preliminary Matters

No claims have been added. No additional fees are required. If determined otherwise, the Office is authorized to charge Deposit Account No. 07-1077 for the amount.

Applicants have amended their Specification to remove references to specific claim numbers that have now changed and have amended their claims to correct typographical errors and to remove alternative expressions that may be regarded as indefinite. Claim 32 has been amended to reflect its status as a method claim for making the product of Claim 21.

Allowable Subject Matter

Applicants and Assignee appreciate the allowance of Claims 23, 28-38. For reasons expressed below, Applicants and Assignee also believe Claims 21, 22, 24-27 are also allowable.

§ 103 Rejection

Claims 21, 22, 24-27 were rejected under § 103 as being unpatentable over U.S. Pat. No. 5,843,577 (Ouhadi et al.). Applicants and Assignee traverse this rejection and request reconsideration of the rejected claims in view of the following explanations of patentability.

Ouhadi et al. do not disclose or suggest both a thermoplastic synthetic resin (A) and a substantially non-cross-linked polyethylene (B). Ouhadi et al. disclose "a thermoplastic elastomer composition having improved surface properties ... incorporating certain types of maleated polypropylene and polyamide or copolymers thereof into a blend of crystalline polyolefin homopolymer or copolymer and olefinic rubber." (Col. 2, Lines 49-53).

The Office cites Col. 13, Lines 16-24 and Col. 3, Lines 44-47 for the disclosure of Applicants' "substantially non-cross-linked polyethylene (B)". The disclosure at Col. 3, Lines 44-47 refers to the polyolefins "... suitable for use in compositions (A), (B), or (C)." (Col. 3, Lines 26-27). The disclosure at Col. 13

09/913,613
Vortkott et al.
GAU: 1713 (W. Cheung)

(actually Claim 1's *proviso* paragraph) refers to the polyolefin of *functionalized* polyolefin of composition (B).

Ouhadi et al. teaches toward a modifier for the thermoplastic elastomer of a copolymer of a *functionalized* polyolefin and polyamide to improve surface properties such as adhesion. See Col. 5, Line 61 et seq. Functionalized polyolefins are specifically taught in Col. 6.

Applicants claim in a different direction. Rather than mixing a functionalized copolymer with a conventional thermoplastic-rubber-common additives, Applicants have invented a different combination of ingredients, one of which is a substantially non-cross-linked polyethylene (B). The purpose of ingredient (B) increases flowability. Please see Page 15, Last Line, et seq. of Applicants' specification.

The purpose of Ouhadi et al.'s functionalized polyolefin modifier is to improve adhesion of the thermoplastic elastomer.

One skilled in the art would not be motivated to select a functionalized polyolefin that improves adhesion to add to a thermoplastic elastomer to increase flowability. It would seem contradictory in purpose.

Moreover, the Office has mixed and matched the disclosures of Col. 3 and Col. 13 to establish the basis for an alleged disclosure of Applicants' substantially non-cross-linked polyethylene. The Col. 3 disclosure concerns the thermoplastic resin matrix, not the functionalized polyolefin of the modifier. For example, the only place where very low density polyethylene is disclosed in Ouhadi et al. is in connection with the "thermoplastic polyolefin homopolymer or copolymer" of ingredient (A)(a) or ingredient (B)(b), not the functionalized polyolefin mixed with or reacted with polyamide to modify surface properties. See Col. 6, Lines 14-18 for a recitation of suitable polyolefins to be functionalized, preferably by a grafting reaction. Ouhadi et al. *teach away* from non-functionalized use by reacting such polyolefins with maleated monomers or glycidyl monomers *to increase adhesion*, not improve flowability as Applicants desire with their substantially non-cross-linked polyethylene.

Applicant and his Assignee request a Notice of Allowance for all pending Claims 21-38, of which Claims 21-27 are product claims and Claims 28-38 are process claims.

09/913,613
Vortkort et al.
GAU: 1713 (W. Cheung)

If there are any matters that prevent a Notice of Allowance, the Examiner is invited to contact the Undersigned by telephone.

Respectfully submitted by:

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Date

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